

**ASSEMBLY, No. 2165**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman ANNETTE CHAPARRO**

**District 33 (Hudson)**

**SYNOPSIS**

Permits up to seven dollar increase in surcharge for document recordation with county in support of county homelessness housing trust funds

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT permitting an increase in the surcharge amount that may be  
2 applied to certain documents recorded with a county in order to  
3 support county homelessness housing trust funds, and amending  
4 N.J.S.22A:4-17.

5

6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

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9 1. N.J.S.22A:4-17 is amended to read as follows:

10 22A:4-17. a. All fees, costs, allowances, percentages and other  
11 perquisites of whatever kind which surrogates, county clerks in  
12 their several capacities, registers of deeds and mortgages, and  
13 sheriffs or persons employed in their offices are entitled to charge  
14 and receive for any official acts or services they may render shall be  
15 for the sole use of the county and shall be accounted for regularly to  
16 the county treasurer; however, such monies shall be utilized to  
17 increase the salaries of surrogates, county clerks, registers of deeds  
18 and mortgages and sheriffs, except as provided in section 6 of  
19 P.L.2001, c.370 (C.22A:4-8.1), section 7 of P.L.1985, c.422  
20 (C.22A:4-17.1) and section 4 of P.L.1988, c.109 (C.22A:4-17.2).

21 Such accounting shall be made on or before the fifteenth day of  
22 each month on form blanks supplied by the county treasurer. The  
23 statement of account shall clearly set forth all sums charged or  
24 taxed or which shall have accrued or become payable during the  
25 preceding month. Such statements shall be made under oath and  
26 filed in the office of the county treasurer as public records.

27 Such statements when received by the county treasurer shall be  
28 forthwith audited by the county auditor or other proper officer.

29 On or before the twentieth day of each month surrogates, county  
30 clerks, registers of deeds and mortgages, and sheriffs shall pay over  
31 the amount of such fees and moneys to the county treasurer and  
32 such officers shall be personally liable to the county for such fees  
33 and moneys.

34 The penalty for each day's neglect to file the required statement  
35 of account or to pay over such moneys shall be one hundred dollars  
36 (\$100.00) to be recovered in the name of the board of chosen  
37 freeholders of the county in a civil action in the Superior Court, and  
38 said officers may also be proceeded against by proceeding in lieu of  
39 prerogative writ.

40 b. (1) In addition to the fees authorized in N.J.S.22A:4-4.1,  
41 and except as provided in paragraph (2) of this subsection, **[upon]**  
42 pursuant to a resolution or ordinance of the county governing body,  
43 as appropriate, a surcharge of not less than three dollars but not  
44 more than 10 dollars shall be charged for each document recorded,  
45 which will be in addition to any other charge allowed by law.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 The county treasurer shall deposit the surcharges so collected into a  
2 fund that shall be used by the county to accomplish the purposes of  
3 P.L.2009, c.123 (C.52:27D-287a et al.). This fund shall be known  
4 as the "County Homelessness Housing Trust Fund." Five percent of  
5 the fund may be used annually by the county for administrative  
6 costs related to administration of the fund and the grant program  
7 established pursuant to P.L.2009, c.123 (C.52:27D-287a et al.), and  
8 the remainder only for homelessness housing programs as described  
9 in P.L.2009, c.123 (C.52:27D-287a et al.).

10 (2) The surcharge imposed in this section does not apply to  
11 assignments or substitutions of previously recorded deeds of trust.  
12 (cf: P.L.2009, c.123, s.8)

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14 2. This act shall take effect immediately.

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#### 17 STATEMENT

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19 This bill increases the amount of a surcharge that may be applied  
20 to documents recorded with a county, in support of the county's  
21 Homelessness Housing Trust Fund.

22 Under present law, a county governing body may adopt a  
23 resolution or ordinance that levies a surcharge of three dollars on  
24 documents to be recorded with the county. The funds collected  
25 from this surcharge are then placed in a homelessness prevention  
26 trust fund and dedicated towards local government programs that  
27 address the problem of homelessness. This bill would expand the  
28 amount of the surcharge that may be levied by the county for this  
29 purpose.

30 Under this bill, when a county governing body adopts a  
31 resolution or ordinance to allow for a homelessness trust fund  
32 surcharge, the resolution or ordinance would set the amount of the  
33 surcharge. The county governing body would have discretion to set  
34 this amount, but it would be at least three dollars and at most 10  
35 dollars. A subsequent resolution by the county governing body  
36 would be necessary to revise the amount of the surcharge.

37 Homelessness is a persistent and devastating problem that  
38 continues to affect counties and families throughout New Jersey.  
39 Local governments have authority to create homelessness trust  
40 funds in an effort to alleviate this problem, devise workable  
41 solutions, and improve the lives of many individuals. By increasing  
42 the amount of funds collected for this purpose, this bill provides  
43 greater flexibility and resources to counties in order to address  
44 homelessness head-on.